

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK (ALBANY)

In re

JOSEPH A. MARCANTONIO,

Debtor.

Chapter 13
Case No. 08-10157

JOSEPH A. MARCANTONIO,

Plaintiff,

-against-

JP MORGAN CHASE BANK, N.A. and AMERICAN
EDUCATION SERVICES,

Defendants.

Adv. Pro. No. 08-90105

ANSWER TO ADVERSARY COMPLAINT

JP Morgan Chase Bank, N.A. (“JP Morgan”), by its attorneys, Phillips Lytle LLP, for its Answer to the Adversary Complaint filed herein (the “Complaint”), states as follows:

1. Admits that Joseph A. Marcantonio is the Debtor in the above-referenced Chapter 13 case (“Debtor” and/or “Plaintiff”) and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in Paragraph “1” of the Complaint.

2. Admits that JP Morgan has an interest in the student loans owed to it by Plaintiff and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in Paragraph “2” of the Complaint.

3. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph “3” of the Complaint.

4. No response is required to the allegations contained in Paragraph “4” of the Complaint as they are conclusions of law, but to the extent a responsive pleading is required, any and all allegations therein are denied and the Court is respectfully referred to the statutes referenced therein.

5. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraphs “5” and “6” of the Complaint and respectfully refers all questions of law to the Court.

FIRST DEFENSE

6. The Complaint fails to state a claim upon which relief can be granted.

SECOND DEFENSE

7. Plaintiff’s claims are barred by the applicable statute of limitations.

THIRD DEFENSE

8. Plaintiff’s claims are barred by the doctrines of laches, estoppel, waiver, and/or unclean hands.

FOURTH DEFENSE

9. This Court lacks jurisdiction over JP Morgan.

WHEREFORE, JP Morgan hereby requests that this Court enter judgment (1) dismissing the Complaint in its entirety, with prejudice; (2) declaring that the student loans referenced in the Complaint be exempted from discharge; and, (3) for such other and further relief as the Court may deem just and proper.

Dated: August 8, 2008

PHILLIPS LYTLE LLP

/s/ Todd A. Ritschdorff

By: Angela Z. Miller, Esq.

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